

Supreme Court Rules in *Kelo v. New London*, Has Potential Impact on Cramer Hill Case

In a landmark 5-4 ruling handed down June 23, the U.S. Supreme Court held that cities may seize private property for commercial development through eminent domain if it constitutes a “public use” under the Constitution. Homeowner Suzette Kelo and six other families from the waterfront town of New London, Conn. filed suit against the New London Development Corporation to stop the condemning of their homes under plans to build a hotel and convention center. Attorneys at LSC grantee South Jersey Legal Services (SJLS) recognized that the outcome of the case could have a direct impact on a similar case they were fighting against the City of Camden, and co-authored an amicus brief with the NAACP and AARP on behalf of three clients.

“We were, of course, disappointed with the *Kelo* decision,” said Executive Director Douglas Gershuny. “In addition to Justice O’Connor’s dissent, Justice Thomas wrote a dissent that was clearly influenced by the amicus brief submitted on behalf of the Cramer Hill Residents

Association and others.”

Gershuny notes that the ruling could adversely impact his organization’s ongoing fight against Camden’s plan to acquire properties in the Cramer Hill neighborhood. The redevelopment plan would necessitate the displacement of nearly 1,000 families. (For the full story, see the Spring 2005 issue of *EJM*.)

Following a series of heartening preliminary rulings, Superior Court Judge Francis Orlando set a tentative trial date of November 9 to hear the case.

“We feel that the trial judge understands the issues and is prepared to address them,” Gershuny said. “Given the victories we’ve had so far, the morale is pretty good. But I am also confident that if we ultimately lose on the merits, we have a very strong record to win on an appeal.”



“The *Kelo* decision was perceived as so egregious that it has galvanized a movement in many states, including New Jersey, to enact legislation curbing eminent domain,” he observed. “In fact, our clients have been invited to participate and work with New Jersey legislators exploring legislation that would limit the use of takings for private gain.”

Utah’s Disability Law Center Releases Poverty Report

Utah’s official state emblem is a beehive, perhaps the quintessential symbol of the state’s official motto: industry. For residents of the state, the beehive harkens images of their pioneer ancestors banding together like honeybees, the state’s official insect, to eke out a living in the hardscrabble environs of their new home. Nowadays, however, some honeybees are kept out of the hive. According to an April report released by the Utah-based Disability Law Center (DLC), 60% of Utah’s disabled are living in poverty, unable to contribute to



the economic life of their home state. The causes of this “shocking” level of poverty, according to Fraser Nelson, the DLC’s Executive Director, are numerous and nearly universal. Participants in the survey overwhelmingly reported difficulty finding jobs, accessing special education services, securing Medicaid and other government services, and gaining access to transportation and public buildings. For the state’s rural disabled, the picture painted by the report is even bleaker, with poverty coming as a result of severely limited job

opportunities, discrimination keeping them from what jobs are available, and services that are “very limited, inadequate or poor quality and poorly coordinated.” The work leading to the creation of this report has yielded positive results, however. In surveying Utah’s disabled, the DLC set up an informal network of potential clients throughout the state whose message they have heard loud and clear. True to their pioneer heritage, these workers understand perseverance and are used to getting along on their own. All they ask is for the minimum that will allow them to contribute to the life of the hive—education, jobs, services, and access to buildings.

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